

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

DECEMBER 6, 2005

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz.

Chairman Heath introduced Commissioner Frank Guthrie. Commissioner Guthrie graduated from Wabash College and Indiana University Bloomington and was a practicing attorney and superior court judge. He has a wife and two grown sons. Chairman Heath welcomed him to the Commission.

Lisa Goldner of Bose McKinney and Evans, Brad Klopfenstein of ILBA and Grant Monahan were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the November 15, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the December 6, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Three hundred eighty-two (382) renewals approved, forty-four (44) new and/or transfer permits approved, thirteen (13) permits approved for catering, five (5) permits approved for first year escrow, one (1) permit approved for second year escrow and one (1) permit approved for fourth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL82-21959 SCHNUCK MARKETS, INC. – Chairman Heath noted this is a new type 208 application with the local board voting two (2) to two (2).

Vice Chairperson Brizzi moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-21960 SCHNUCK MARKETS, INC. – Chairman Heath noted this is a new type 208 application with the local board voting two (2) to two (2).

Vice Chairperson Brizzi moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-10766 EAGLEDALE ENTERPRISES, INC., D/B/A CLUB MECCA – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

Vice Chairperson Brizzi moved to make forty-four (44) permits inactive. Thirty-eight (38) permits are not subject to auction and six (6) are subject to auction.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR12-21979 AND RR12-12980 SCOTT ALAN ROBERTS, DL50-21976 KROGER LIMITED PARTNERSHIP AND RR45-06542 GAIL GRAY – Chairman Heath noted these appeals were filed.

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

No New Business

## **POLICY DETERMINATIONS**

LOCAL BOARD VOTING POLICY – Chairman Heath read into the record a new policy for the Commission to vote on regarding local board voting procedures. It states as follows:

Due to the fact that from time to time quorums will not be met, the Commission would like to allow a procedure so the application process can continue. As long as there are no problems or remonstrators at the local board meeting, the local board can opt for approving renewals and new or transfer permits with only two members present to vote. Prior to this time, the local board was only able to approve renewals with two voting members present.

Vice Chairperson Brizzi moved to approve this new policy. Motion seconded by Commissioner Sturtz and it was unanimously approved.

## **UNDER ADVISEMENT**

Nothing Under Advisement

## **ANNOUNCEMENTS**

No announcements

## **ADJOURNMENT**

Commissioner Guthrie moved to adjourn the meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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DAVE HEATH, CHAIRMAN

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MELANIE BRIZZI, VICE CHAIRPERSON

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER